

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUAN LUIS NEGRON-NEGRON,)	
)	
Petitioner)	
v.)	CIVIL ACTION
)	No. 14-cv-2821
THERESA A. DELBALSO,)	
PA STATE ATTORNEY GENERAL and)	
BERKS COUNTY DISTRICT)	
ATTORNEY'S OFFICE,)	
)	
Respondents)	

O R D E R

NOW, this 28th day of July, 2015, upon consideration of the following documents:

- (1) Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, which petition is dated April 29, 2014 and was filed by petitioner Juan Luis Negron-Negron pro se on May 8, 2014;¹
- (2) Answer to the Petition for Writ of Habeas Corpus, which answer was filed by respondents on July 23, 2014, together with;
 - (A) Memorandum in Support of Commonwealth's Answer to the Petition for Writ of Habeas Corpus; and

¹ Mr. Negron-Negron originally filed his habeas petition in the United States District Court for the Middle District of Pennsylvania on May 8, 2014. On May 16, 2014 the action was transferred to the United States District Court for the Eastern District of Pennsylvania.

Although the habeas petition was not docketed by the United States District Court for the Middle District of Pennsylvania until May 8, 2014, the petition itself indicates that it was signed by petitioner on April 29, 2014. Thus, giving petitioner the benefit of the prison mailbox rule, (See *Burns v. Morton*, 134 F.3d 109 (3d Cir. 1998) and Rule 3(d) of the Rules Governing Section 2254 Cases in the United States District Courts), I consider April 29, 2014 the filing date of Mr. Negron-Negron's petition.

- (B) Appendix to Answer to Petition for Writ of Habeas Corpus, which includes respondents' exhibits;
- (3) Response to Commonwealth Answer to Petition for Writ of Habeas [Corpus] filed by petitioner pro se on August 18, 2014; and
- (4) Report and Recommendation of Magistrate Judge Linda K. Caracappa dated and filed August 27, 2014 ("Report and Recommendation");

it appearing that as of the date of this Order no objections have been filed to the Report and Recommendation of Magistrate Judge Caracappa; it further appearing after review of this matter that Magistrate Judge Caracappa's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Caracappa's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the petition for habeas corpus relief is dismissed with prejudice.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable juror could find his ruling debatable, and because petitioner fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall
mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge